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REMARKS

Entry of this response is respectfully requested pursuant to 37 C.F.R. §1.116(a) in order to place the application in better form for allowance or appeal. Applicants further wish to thank the Examiner for his guidance with preparation of the 1.132 affidavit. Claims 1, 2 and 4 are amended. Claim 3 is cancelled.

Double Patenting Rejection

Claims 1-4 were provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over co-pending application no US2002/0109873 A1 in view of Cuykendall (U.S. Patent 4,926,366). The examiner has indicated that 1) this is a provisional rejection and 2) that it can be overcome with the timely filing of a terminal disclaimer. Applicants further note that both applications are claim priority to a common provisional filing date of February 9, 2001. Because the scope of the allowable subject matter is still in dispute, Applicants have not yet filed a terminal disclaimer, but will do so if the double patenting rejection is maintained once the scope of allowable claims is resolved.

Rejections under 35 U.S.C. §112,

Claims 1-4 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description. Applicants have amended claims 1,2 and 4 to remove the term 'integrated', and thus submit that the rejection is overcome and should be withdrawn.

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Rejections under 35 U.S.C. §103

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brzozowski et al in view of Cuykendall '366.

Applicants note that the Brzozowski reference is a publication which was disclosed by the applications of this invention in June 2000, less than a year before the priority date of the application (February 2001). Applicants have submitted, herewith, affidavits under 37 C.F.R. §1.132, from Brzozowski and Sargent, stating that the Brzozowski reference discloses subject matter derived from the applicants themselves. As such, the Brzozowski reference cannot be used against the applicants of the present invention, as it does not satisfy the 1 year time requirement. Accordingly, the rejection is overcome and should be withdrawn.

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Applicants have made a diligent effort to place the application in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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